



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

MW/MJJ  
F. #2011R01313

*271 Cadman Plaza East  
Brooklyn, New York 11201*

October 3, 2017

By Email and ECF

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Re: United States v. Harun  
Criminal Docket No. 12-134 (BMC)

Dear Counsel:

The government respectfully submits this letter in response to your post-conviction requests for discovery—specifically, Mr. Dratel’s unclassified letter dated May 30, 2017 (attached hereto as Exhibit A), and Mr. Dratel’s single-sentence classified letter dated June 6, 2017. The government has complied, and continues to comply, with its discovery obligations, including its ongoing obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny. No further productions are necessary or warranted in response to these letters. If you believe there is legal authority requiring additional disclosures, please provide it.

With respect to your May 30, 2017 unclassified letter seeking information related to the defendant’s extradition, as a courtesy, the government directs your attention to the Affidavit in Support of Extradition of Assistant United States Attorney Shreve Ariail—produced to the defendant on April 30, 2013—which indicates that the government sought the defendant’s extradition to the United States District Court for the Eastern District of New York on charges carrying a maximum penalty of life imprisonment.

With respect to the information requested in your June 6, 2017 classified letter, the government notes that it has complied with all of its discovery obligations pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the Classified Information Procedures Act (“CIPA”), and Brady and its progeny.<sup>1</sup>

Please do not hesitate to contact us if you would like to discuss further.

Respectfully submitted,

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<sup>1</sup> See, e.g., Dkt. No. 90, Memorandum Decision and Order Granting the Government’s Motion Pursuant to CIPA § 4 (“I conclude that any information withheld from the summaries (which appears to be almost none) is not helpful to the defense, and consequently, substitution of the summaries does not impinge upon defendant’s right to a fair trial. My review of the summaries proposed by the Government confirms that it has offered faithful and often verbatim summaries that disclose, in a streamlined fashion, all arguably relevant portions of the relevant material. I believe that the substituted documents retain whatever potential exculpatory or impeachment value the source materials possess. Providing these summaries to defendant’s counsel satisfies the Government’s discovery obligations while at the same time protecting national security.”); see also Transcript of February 6, 2016 Status Conference (“I will tell you this, having looking at the summaries and the underlying materials, the summaries are really, really good, okay. These are not like FBI 302 reports. These are extraordinarily detailed summaries, and I understand it’s hard to ask you to just take my word for that, so I’m not. I just want you to know I have reviewed them and they are long, and they are detailed, and they are easier to read and comprehend than the underlying materials which have to be pieced together.”).